

Deposition of Sergeant Sean Adams

Christopher Bush &amp; David Bush V S.C Adams, et al.

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1	<p>Q Okay. Do you have any evidence that</p> <p>2 Mr. Bush represented she had been served?</p> <p>3 A That she had been served?</p> <p>4 Q Sure. Had been served with the custody</p> <p>5 notice?</p> <p>6 A No. I have no indication that she had</p> <p>7 been served with the custody notice.</p> <p>8 Q And do you know whether or not the</p> <p>9 jurisdiction they're referring to is personal</p> <p>10 jurisdiction or is subject matter jurisdiction?</p> <p>11 MR. SIMOPOULOS: Objection to form. Lack</p> <p>12 of foundation.</p> <p>13 BY MR. PURICELLI:</p> <p>14 Q Do you know the difference between</p> <p>15 personal jurisdiction and subject matter</p> <p>16 jurisdiction of a court?</p> <p>17 A I don't know the entire difference.</p> <p>18 Q Okay. If I represent to you -- and your</p> <p>19 attorney can correct me. It's standard law.</p> <p>20 Subject matter jurisdiction means the Court can hear</p> <p>21 the matter. In this case, a custody matter.</p> <p>22 Personal jurisdiction means the Court can hear that</p> <p>23 matter and make a decision over the person meaning</p> <p>24 that they have control. They can actually compel a</p> <p>25 person to do something. Make them obey the order.</p>	<p>1 granted. That's what it says.</p> <p>2 Q Right. So why did you use the word</p> <p>3 fraudulent?</p> <p>4 A Perhaps I should have said inappropriately</p> <p>5 obtained.</p> <p>6 Q Okay. So we're at the point now that</p> <p>7 Mr. Bush didn't obtain it fraudulently. He</p> <p>8 inappropriately went to Luzerne County and obtained</p> <p>9 this order; correct?</p> <p>10 A And then represented it to me as being</p> <p>11 official and appropriately granted.</p> <p>12 Q He told you this was appropriately</p> <p>13 granted?</p> <p>14 A That's how it was presented to me.</p> <p>15 Q How was it exactly presented to you?</p> <p>16 A I received it I believe via fax from</p> <p>17 Mr. Bush's brother, Chris Bush.</p> <p>18 Q And when you looked at it did it appear to</p> <p>19 be a valid order?</p> <p>20 A It appeared to be a valid order.</p> <p>21 Q Did you confer with the Commonwealth's</p> <p>22 Attorney with regards to this order that was sent to</p> <p>23 you?</p> <p>24 A That was done -- I can't say that I did</p> <p>25 that. I said that was done prior to giving custody</p>
1	<p>Now, if your attorney wants to</p> <p>2 explain it a different way or accept that as --</p> <p>3 MR. SIMOPOULOS: No. I'm just going to</p> <p>4 object to the question.</p> <p>5 MR. PURICELLI: Okay.</p> <p>6 BY MR. PURICELLI:</p> <p>7 Q Do you know which of the two this Court's</p> <p>8 referring to?</p> <p>9 A Does it say on here?</p> <p>10 Q You're relying on that to make a</p> <p>11 representation. I'm trying to find out why you</p> <p>12 believe it's fraudulent. You've identified a</p> <p>13 sentence now and I want to know why you think the</p> <p>14 Court's saying we don't have jurisdiction and it's a</p> <p>15 fraudulent order?</p> <p>16 A It was improperly obtained.</p> <p>17 Q Why was it improperly obtained? Based on</p> <p>18 your working knowledge.</p> <p>19 A It says right here that it was vacated</p> <p>20 because it was inappropriately granted.</p> <p>21 Q Because why?</p> <p>22 A And jurisdiction is hereby relinquished.</p> <p>23 Q The Court never said it was fraudulently</p> <p>24 issued; correct?</p> <p>25 A It just said it was inappropriately</p>	<p>1 to Mr. Bush.</p> <p>2 Q All right. So the order you received</p> <p>3 through the investigation of Lawson was at least</p> <p>4 given to the Commonwealth's Attorney for review?</p> <p>5 A I believe that was done by my detective.</p> <p>6 Q That's fair. My question simply was based</p> <p>7 on your belief that the order was sent to the</p> <p>8 Commonwealth's Attorney for review?</p> <p>9 A That's my understanding.</p> <p>10 Q Okay. And subsequent to that</p> <p>11 understanding it's also your understanding that the</p> <p>12 Commonwealth's Attorney also believed it to be a</p> <p>13 valid order?</p> <p>14 MR. SIMOPOULOS: Objection to form.</p> <p>15 BY MR. PURICELLI:</p> <p>16 Q Is that true?</p> <p>17 MR. SIMOPOULOS: Objection to form. Also</p> <p>18 as to not testify to what other people</p> <p>19 believed.</p> <p>20 BY MR. PURICELLI:</p> <p>21 Q You were not instructed not to obey the</p> <p>22 order. Is that fair? You were not instructed by</p> <p>23 the Commonwealth's Attorney to disregard the</p> <p>24 Pennsylvania order?</p> <p>25 A We were instructed to treat it as valid.</p>

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1	Q Okay. And you weren't aware that that	1	Virginia with his children?
2	same order was shown to a Virginia Court, and that	2	A Well, when he left I believed he had a
3	they issued an order as well? Is that true?	3	valid.
4	A Not sure what you're referring to. You're	4	Q Your point is, it really wasn't; was it?
5	asking me if I knew that was shown to a Virginia	5	Isn't your point to bring the charges, Mr. Adams, at
6	Court?	6	the time he gave that the order really wasn't valid
7	Q Yes.	7	so he didn't have a court order?
8	A No. I don't recall. I mean, I don't	8	MR. SIMOPOULOS: Objection to form.
9	recall any knowledge of that.	9	BY MR. PURICELLI:
10	Q Did you represent to the magistrate that	10	Q Or do I have that all wrong? You
11	Mr. Bush had procured a fraudulent order?	11	represented to a magistrate that the order he gave
12	A I said it had been inappropriately	12	you was no good, put simply. Isn't that true?
13	obtained.	13	A That it was not good, yes.
14	Q Is that what you told the magistrate?	14	Q All right. So working on that premiss
15	A That's what I told -- there was a material	15	that when he came he didn't really have a good
16	misstatement as far as the obtaining of this order.	16	order. He left Virginia with his children; correct?
17	Q What material misstatement did you tell	17	A Correct.
18	the magistrate Mr. Bush had said?	18	Q And when he left Ms. Bush didn't have a
19	A It was vacated for being inappropriately	19	court order either; did she, for custody of the
20	obtained and jurisdiction. And the fact that she	20	children?
21	had not been served I was relying on this vacated	21	A I had no knowledge of her having one.
22	order and the information it obtained.	22	Q I understand. So when you brought the
23	Q I know you were. But I'm asking what did	23	charges it was for him leaving the state with his
24	you tell the magistrate? Did you read him the	24	children; true?
25	order?	25	MR. SIMOPOULOS: Objection to form.
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1	A I don't recall. I recall having it with	1	THE WITNESS: Under false pretenses.
2	me at the time as part of the case folder, but I	2	BY MR. PURICELLI:
3	don't recall exactly what I told the magistrate at	3	Q What is Virginia law --
4	the time. The substance of it was that the custody	4	MR. SIMOPOULOS: Objection to form.
5	order was inappropriately obtained and presented as	5	BY MR. PURICELLI:
6	valid.	6	Q -- on kidnapping under your understanding?
7	Q Okay. So let's assume now that you're	7	MR. SIMOPOULOS: Argumentative.
8	faced with a scenario where you have neither parent	8	THE WITNESS: I would look at the law.
9	with an order for custody from any court, who, from	9	I'd see what the law says in reference to
10	your experience and training and policies of the	10	kidnapping.
11	police department, can be charged with kidnapping if	11	BY MR. PURICELLI:
12	they leave the state with their natural children?	12	Q Is the law written on the warrants that
13	A If they're from another state or they're	13	you were relying on?
14	both Virginia residents?	14	MR. SIMOPOULOS: Objection to form.
15	Q I don't care if one of them is residing in	15	Argumentative.
16	Pennsylvania, and one of them is residing in	16	BY MR. PURICELLI:
17	Virginia. Neither has a custody order and one	17	Q You can answer the question.
18	leaves the state with their natural children?	18	A No. The code section is but the law is
19	MR. SIMOPOULOS: Objection to form.	19	not.
20	BY MR. PURICELLI:	20	Q You were trained in the code sections;
21	Q You can answer the question.	21	weren't you?
22	A Once more time please.	22	A Yes.
23	Q Sure. The fact scenario is based on the	23	Q You were trained on kidnapping; weren't
24	representation that neither parent had a valid court	24	you?
25	order; correct, when Mr. Bush left the state of	25	A Yes, I was.

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1	Q All right. Based on your training what's	1 A I'd have to review the exact code section.
2	the requirement, what are the elements for	2 Q Well, on the third page of what we've
3	kidnapping in the Commonwealth of Virginia?	3 marked Adams 2 there's a Short Offense Description.
4	MR. SIMOPOULOS: Objection to form.	4 On this particular document it's called conspiracy.
5	BY MR. PURICELLI:	5 Am I reading that correctly?
6	Q You can answer the question.	6 A Your point -- I'm not that familiar with
7	A Rephrase the question.	7 it. Conspired to. All right.
8	MR. PURICELLI: I don't think it could be	8 Q Okay. On this particular one it's 18.2-22
9	rephrased any simpler.	9 and 18.2-47. Did I read that correctly?
10	THE WITNESS: It's different for parental	10 A Yes.
11	abduction.	11 Q Okay. So if we look at the front page of
12	BY MR. PURICELLI:	12 Adams 2. 18.2-47 appears on the front page; correct?
13	Q Is he charged with parental abduction or	13 A Yes.
14	kidnapping?	14 Q And if we read down, Short Offense
15	A It's 18.2-47. I'd have to look and see	15 Description, it says Abduction by parent, Remove
16	what --	16 from the state; correct?
17	Q Do you have a code that you can rely on to	17 A Right. I see it.
18	find out what it is you charged on?	18 Q Okay. I've read that correctly; right?
19	A Yes. It's on there.	19 A Correct.
20	Q Are you saying you don't know what the	20 Q Is there a difference between the
21	elements are?	21 kidnapping statute and abduction by parent?
22	A I don't know the exact verbiage of it.	22 A It should be all part of the same section.
23	Q What's your best recollection?	23 It just makes a specific delineation by parent.
24	MR. SIMOPOULOS: I'm going to object to	24 It's not a felony unless they remove them from the
25	this line of questions, and just for the record	
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1	state that my witness is not the Commonwealth's	1 state.
2	Attorney.	2 Q Okay. Based on your training and this
3	MR. PURICELLI: We'll concede that he's	3 statute what would be the elements, constituting in
4	not an attorney.	4 your mind and training, of the crime of abduction by
5	MR. SIMOPOULOS: And there's no foundation	5 parent, removal from state? What would a person
6	for these questions.	6 have to do in your mind and training to be charged
7	MR. PURICELLI: I won't say that.	7 with that offense?
8	MR. SIMOPOULOS: Well, that's the	8 MR. SIMOPOULOS: Objection to form.
9	objection.	9 THE WITNESS: I would have to look at the
10	MR. PURICELLI: I merely asked his	10 exact code section, review it, make the
11	understanding based on his training. And he's	11 determination as to elements of what the person
12	already admitted that he has been trained on	12 did to see if it fit that criteria and then
13	this section.	13 proceed to the magistrate.
14	MR. SIMOPOULOS: You can answer the	14 BY MR. PURICELLI:
15	question.	15 Q Are you answering today that you don't
16	THE WITNESS: And the question was?	16 know the general elements if not all of them?
17	BY MR. PURICELLI:	17 MR. SIMOPOULOS: Objection to form. You
18	Q What are the elements to your best	18 can answer.
19	recollection for the charge 18.2-47 which I believe	19 THE WITNESS: It seems pretty basic to me,
20	is kidnapping in the Commonwealth?	20 but I want to give you the exact correct answer
21	MR. SIMOPOULOS: Again. Objection to	21 that you're looking for.
22	form.	22 BY MR. PURICELLI:
23	BY MR. PURICELLI:	23 Q I'll give you the latitude that maybe you
24	Q Or is that correct? Is it parental	24 don't know all the elements verbatim, but I'm asking
25	abduction?	25 your general understanding.

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<p>1 A You have to be a parent of the children.      2 You have to take them out of state. You have      3 to have -- it's probably not have permission of the      4 other parent or legal right to do so.      5 Q Okay. Let's assume those are the      6 requirements. What evidence did you have that Ms.      7 Bush could come into Virginia with authority from      8 Pennsylvania to bring the kids?      9 A With the authority from Pennsylvania?      10 Q Yes.      11 A I have to look at the other order.      12 Q You're free to look at whatever you need      13 to.      14 A (Reviews documents.) I don't recall.      15 Q You've gone through your whole file. We      16 took a few minutes off the record to allow you to go      17 through your file to see what authority you had in      18 your file from Pennsylvania, meaning a court order      19 or something, saying Ms. Bush was in the      20 Commonwealth of Virginia with the authority to have      21 those children. Isn't that true?      22 A That she had the authority from      23 Pennsylvania to bring the children here and --      24 Q To bring the children here and reside here      25 with them. You looked through your file for that;</p>	<p>1 BY MR. PURICELLI:      2 Q The question simply is, there's something      3 unusual about that file that would be missing      4 documents.      5 MR. SIMOPOULOS: Objection to form.      6 That's not a question. What's the question?      7 MR. PURICELLI: That is the question.      8 MR. SIMOPOULOS: What's the question?      9 BY MR. PURICELLI:      10 Q Is there something unusual about this file      11 that there would be missing documents in it? For      12 example, it was kept in the basement and nobody      13 watched it or nobody put it together properly? Is      14 there a reason that documents that might have been      15 in it aren't in it?      16 MR. SIMOPOULOS: Objection to form.      17 THE WITNESS: The detective that had the      18 case initially has since left.      19 BY MR. PURICELLI:      20 Q When you talked to the magistrate to      21 obtain the warrants did you tell the magistrate that      22 Ms. Bush was in Virginia with authority from      23 Pennsylvania to have the children here, or she was      24 here without having obtained authority from      25 Pennsylvania when she left?</p>	
<p>1 isn't that true?      2 A Right.      3 Q And you were unable to find anything;      4 isn't that true?      5 A I couldn't locate anything.      6 Q Have there been documents lost other than      7 the ones that you know that you referred to in your      8 file, your police file?      9 MR. SIMOPOULOS: Objection to form.      10 Argumentative.      11 BY MR. PURICELLI:      12 Q You can answer that.      13 A Obviously, I don't know what's been lost      14 but.      15 Q Are documents routinely lost that are in      16 police files in the Richmond City Police Department?      17 MR. SIMOPOULOS: Objection to form.      18 BY MR. PURICELLI:      19 Q I'm sure you're going to tell me no or      20 yes, but I want to know if there's something unusual      21 about this file --      22 MR. SIMOPOULOS: Is there a point?      23 MR. PURICELLI: Yes, there is. If you let      24 him answer it.      25 MR. SIMOPOULOS: What's the question?</p>	<p>1 MR. SIMOPOULOS: Objection to form.      2 BY MR. PURICELLI:      3 Q Did you say anything like that?      4 MR. SIMOPOULOS: Objection to form.      5 THE WITNESS: I believe what I said was      6 that she was a resident of Virginia with her      7 three kids enrolled in school here.      8 BY MR. PURICELLI:      9 Q Did you tell the magistrate that the --      10 MR. SIMOPOULOS: Could you let him finish      11 answering the question, please.      12 MR. PURICELLI: I thought he was. Okay.      13 MR. SIMOPOULOS: No. Let him finish      14 answering the question. Thank you. Please      15 continue answering.      16 THE WITNESS: And that she had lived here      17 from quite some time, approximately a year.      18 And that was basically it as far as her      19 residency, her being here in Virginia.      20 BY MR. PURICELLI:      21 Q Did you tell the judge she came from      22 Pennsylvania?      23 A Initially, I may have said that their      24 relationship originated in Pennsylvania. I don't      25 remember specifically the content, what I said about</p>	Page 88

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<p>1 that.</p> <p>2 Q I'm sure your attorney does not want you</p> <p>3 guessing. Do you recall saying that?</p> <p>4 A Do I recall saying what?</p> <p>5 Q What you just said. "I may have said."</p> <p>6 A That this, that the whole relationship</p> <p>7 with the children? I can't say that I, you know,</p> <p>8 100 percent of what I told the magistrate in</p> <p>9 reference to that specific issue.</p> <p>10 Q All right. I don't want you to guess.</p> <p>11 You don't have to guess. If you don't recall that's</p> <p>12 fair. I'm sure your attorney doesn't want you to</p> <p>13 guess. I don't want to be going around chasing a</p> <p>14 guess. So if your memory is the best you can do,</p> <p>15 just don't guess.</p> <p>16 All right. Now, when one parent has</p> <p>17 no court order and neither does the other parent and</p> <p>18 it's their children, and one parent lives in</p> <p>19 Pennsylvania, and one parent lives in Virginia who</p> <p>20 cares how long, how does your police department</p> <p>21 under policy handle the situation when a parent</p> <p>22 comes down here, picks up his children and leaves?</p> <p>23 A Well, we don't remove them from the</p> <p>24 custody of one parent and give custody of children</p> <p>25 to another parent absent some sort of legal reason</p>	Page 90	Page 92
<p>1 to.</p> <p>2 Q Okay. The police don't get involved in</p> <p>3 that. In this case we know they did. Assume you</p> <p>4 guys didn't do that. He simply just went and picked</p> <p>5 up his kids and went to Pennsylvania. How would you</p> <p>6 handle that?</p> <p>7 A That's not what happened here. You're</p> <p>8 asking me what would have happened?</p> <p>9 Q Yes. Under your policy what would you</p> <p>10 have done?</p> <p>11 MR. SIMOPOULOS: Objection. Calls for</p> <p>12 speculation. Not relevant. I can go on and</p> <p>13 on, but if you can answer the question go</p> <p>14 ahead.</p> <p>15 BY MR. PURICELLI:</p> <p>16 Q And just so you know, I'm asking based on</p> <p>17 your policy not on what --</p> <p>18 MR. SIMOPOULOS: Which policy are you</p> <p>19 referring to?</p> <p>20 MR. PURICELLI: The police department</p> <p>21 policy.</p> <p>22 MR. SIMOPOULOS: Well, there are many</p> <p>23 policies.</p> <p>24 MR. PURICELLI: In handling a situation</p> <p>25 like this.</p>		

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<p>1 you got your warrants to find out that Serene was in  2 Virginia with the kids under the authority of a  3 Pennsylvania law? In other words, she was here with  4 the kids lawfully?</p> <p>5 A I didn't have any reason to believe  6 otherwise so I can't --</p> <p>7 Q You didn't have a court order from  8 Pennsylvania that said she had the right to have the  9 children; did you?</p> <p>10 A No. I believe what I had was the -- which  11 order did I have. (Reviews documents.) I believe  12 the one that was faxed to me was the only one that I  13 had at the time that decision was made.</p> <p>14 Q That was the one vacating the prior one  15 you determined was inappropriately issued?</p> <p>16 A The initial one. (Reviews documents.)  17 Yes. The initial one dated the 23rd of June which  18 was later vacated.</p> <p>19 Q So can we agree by the time it was issued  20 and you went and sought warrants that caused the  21 arrest of Mr. Bush you had not determined whether  22 Ms. Bush had lawful custody of the children when she  23 entered Virginia?</p> <p>24 A She had custody at the time that I did  25 that.</p>	<p>1 Q At the time Mr. Bush is leaving Virginia  2 with his children?</p> <p>3 A At the time he was leaving Virginia with  4 his children the only one I had was the one dated  5 the 23rd of June that was later vacated.</p> <p>6 Q And you concluded that really wasn't a  7 good one because it was vacated; right?</p> <p>8 A Eventually.</p> <p>9 Q Right. So would I be correct that you  10 viewed that not a lawful basis to remove the  11 children because the order was really no good?</p> <p>12 A I don't understand the question.</p> <p>13 Q I'm trying to rephrase it. I understand  14 that order was vacated, and we've discussed that it  15 was a jurisdictional issue; correct?</p> <p>16 MR. SIMOPOULOS: Again, objection to form.  17 I don't know if he gave any conclusions  18 regarding the jurisdictional issue.</p> <p>19 MR. PURICELLI: Well, if he didn't, I'll  20 clarify. I don't mean to put words in his  21 mouth. Just trying to get past the question so  22 he understands it.</p> <p>23 BY MR. PURICELLI:  24 Q As it turned out, on hindsight if you  25 will, you don't believe the order that Mr. Bush</p>
<p>1 Q Did you have any agreement that she was  2 able to provide to you that --</p> <p>3 MR. SIMOPOULOS: Objection.</p> <p>4 BY MR. PURICELLI:  5 Q -- Mr. Bush had entered into saying she  6 could live in Virginia with the children?</p> <p>7 MR. SIMOPOULOS: Objection to form.  8 Rephrase that question.</p> <p>9 BY MR. PURICELLI:  10 Q Did you have any agreement between  11 Mr. Bush and Ms. Bush about the custody of the kids?</p> <p>12 MR. SIMOPOULOS: Agreement between  13 Mr. Bush and Ms. Bush?</p> <p>14 MR. PURICELLI: Yes.</p> <p>15 MR. SIMOPOULOS: Oh. I didn't understand.</p> <p>16 THE WITNESS: I don't believe so.</p> <p>17 BY MR. PURICELLI:  18 Q And my understanding of your policy is if  19 there's not one of those, there should be a court  20 order; correct, that you guys look to?</p> <p>21 A We refer to instructions from the Court,  22 yes.</p> <p>23 Q All right. And you didn't have one of  24 those either; correct?</p> <p>25 A At which time?</p>	<p>1 presented was good, valid law or something to that  2 effect; is that true?</p> <p>3 A It was vacated and determined to be  4 invalid.</p> <p>5 Q Okay. And all I'm saying is, having  6 hindsight, if you'd had that knowledge when the  7 children were turned over and he was leaving  8 Virginia if you knew it was no good, okay, the  9 premiss would have been he didn't have an order.  10 She didn't have an order; correct?</p> <p>11 A Correct.</p> <p>12 Q He didn't have an agreement. She didn't a  13 have an agreement; correct?</p> <p>14 A Correct.</p> <p>15 Q In that situation you also knew that you  16 had nothing that said she came to Virginia with the  17 kids with any authority or consent from Pennsylvania  18 to move here with them or his consent; correct?</p> <p>19 A That's correct.</p> <p>20 Q All right. In that factual scenario his  21 leaving Virginia with his children -- and there's no  22 dispute they were his children; correct?</p> <p>23 A No dispute as to that; no, sir.</p> <p>24 Q You're faced with those facts. Those  25 facts. In your mind based on the procedures in the</p>